

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CRAIG T. CONLEY	)	Case No. 5:08CV622
	)	
	)	
	)	
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
vs.	)	
	)	
CLAYTON B. SMITH,	)	ORDER
	)	
Defendant.	)	(Resolves Doc. 20)

This matter is before the Court on Defendant's motion for sanctions under Fed.R. Civ.P. 11. Doc. 20. The Court has been advised, having reviewed the motion, response, pleadings, and applicable law. For the reasons stated below, the motion is DENIED.

Smith moved for sanctions solely under Rule 11. Furthermore, is it undisputed that Smith failed to comply with the "safe harbor" provision of Rule 11. The Sixth Circuit has expressly ruled that Rule 11 sanctions are unavailable where the moving party fails to serve a timely "safe harbor" letter. *Ridder v. City of Springfield*, 109 F.3d 288, 297 (6th Cir. 1997) (holding that "sanctions under Rule 11 are unavailable, unless the motion for sanctions is served on the opposing party for the full twenty-one day 'safe harbor' period before it is filed with or presented to the court"). Accordingly, Smith's motion for sanctions is DENIED.

IT IS SO ORDERED.

Dated: March 6, 2009

/s/ John R. Adams

JUDGE JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE